

MAR 14 1950

MEMORANDUM FOR: THE EXECUTIVE

SUBJECT: Procurement from FBI of Counterespionage  
Information having Positive Intelligence Value

1. Reference is made to the memorandum dated 27 February 1950 from Mr. Prescott Childs, Chief, Coordination, Operations, and Policy Staff, to the Executive and other officers, entitled "Failure of JARIC to Receive Counter Espionage Information having Positive Intelligence Value". Reference is also made to the memorandum dated 1 March 1950 from the Assistant Director, OCD, to the Chief, GOAPS, concurring with the memoranda attached to the first reference listed above. Pursuant to Mr. Childs' request, the comments of GSO are set out below.

2. It has long been realized that there has been an improper utilization of available counterespionage information as the basis, or at least partial basis, for positive intelligence estimates. This has been true particularly in connection with estimates of capability in the scientific intelligence field. The problem raised by this lack of utilization has been discussed by GSO with OSI on several occasions. GSO concurs that every effort should be made to secure from the FBI all pertinent counterespionage information bearing on these estimates. In connection with any efforts to secure such information, however, it should be remembered that it has been a rigid FBI policy not to release operational details of active pending counterespionage cases where such release can be avoided. In view of this, while I do not entirely concur in this policy, it must be considered in connection with any approach to the FBI for such information.

3. GSO does not concur in the proposed draft letter to the FBI attached to the first listed reference above. While it is felt that a strong request should be made for such pertinent counterespionage information, it is not felt that the draft letter as presently phrased has any substantial chance of securing the information that is desired. Citing the FBI's membership on the IAC and referring to the desire of the National Security Council will not be considered by the FBI as sufficient reason for varying

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any policy that they do not desire to vary. In connection with the use of the FUCHS case as a specific example, it is felt that this should be mentioned, but not as proof of any failure of the FBI to furnish information to CIA which should have been furnished to permit this Agency to fulfill its responsibilities in making appropriate intelligence estimates. In the first place, while a complete summary of the FUCHS case has not been received, the information that has been received already reflects that there apparently was no real or detailed knowledge of disclosures made by FUCHS until his questioning by the British authorities only a few days before his arrest. Secondly, if the FUCHS case is used as sole proof of the FBI's failure to furnish necessary counterespionage information, they will be able to state with accuracy that this was primarily a British case and that they were not at liberty to divulge information to anyone until they did divulge such information.

4. It is felt also that the approach to the FBI should definitely be on behalf of CIA as such, and not on behalf of the JAKIB, since it is probable that the FBI would be more reluctant to furnish such information to a committee than to a single agency.

Action: Attached for your consideration and for concurrence or comments is a proposed substitute draft letter to the FBI for signature of the DCI.

Attachment:  
Draft ltr to FBI

Distribution:  
Assistant Director, GRS ✓  
Assistant Director, OGD  
Assistant Director, OSI  
Chief, I&S  
Chief, COAPS

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